

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SAGE REDWIND,

Plaintiff,

v.

WESTERN UNION, LLC,

Defendant.

Case No. 3:18-cv-02094-SB

**OPINION AND ORDER**

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MOSMAN, District Judge:


Plaintiff Sage Redwind (“Redwind”) filed a motion to voluntarily dismiss this action without prejudice (ECF No. 145). The Court hereby GRANTS Redwind’s motion to dismiss. *See* FED. R. CIV. P. 41 (providing that “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper” if the plaintiff files the request for dismissal after the defendant files its answer).

However, the Court dismisses this action with prejudice because Redwind received her “right to sue” letter from the Equal Employment Opportunity Commission (“EEOC”) in September 2018 (Compl. at 18), and the applicable statute of limitations bars her from refiling her Title VII claims. *See Varanado v. ABM Indus., Inc.*, No. C-07-00804 CRB, 2007 WL

2915027, at \*2 (N.D. Cal. Oct. 5, 2007) (“Plaintiffs must bring a civil action under Title VII within 90 days of receipt of a notice of right to sue from the EEOC[.]”); *O’Donnell v. Vencor, Inc.*, 466 F.3d 1104, 1111 (9th Cir. 2006) (holding that “where a complaint is timely filed and later dismissed, the timely filing of the complaint does not ‘toll’ or suspend the ninety-day limitations period” for the plaintiff’s Title VII claims, and noting that “dismissal of the original suit, even though labeled as without prejudice, nevertheless may sound the death knell for the plaintiff’s underlying cause of action if the sheer passage of time precludes the prosecution of a new action”) (citations omitted).

**IT IS SO ORDERED.**

DATED this 25 day of February, 2020.

  
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MICHAEL W. MOSMAN  
United States District Judge